

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONKE CIERS,

Plaintiff,

No. 20-10516

v.

Honorable Nancy G. Edmunds

HOME DEPOT USA, INC.,

Defendant.

ORDER OF REMAND TO WAYNE COUNTY CIRCUIT COURT

On March 3, 2020, this Court issued an Order to Show Cause requiring Defendant to show cause in writing why this case should not be remanded to the Wayne County Circuit Court for failure to meet the jurisdictional amount in controversy requirement, as set forth in 28 U.S.C. § 1332(a) and Local Court Rule 81.1. (Dkt. 2.)

On March 17, 2020, Defendant filed a response to the Order to Show Cause. (Dkt. 6.)

It is well-established that the party seeking removal bears the burden of establishing its right to removal, and the federal courts strictly construe removal petitions in a manner that resolves all doubts against removal. *Her Majesty the Queen v. City of Detroit*, 874 F.2d 332, 339 (6th Cir. 1989). A defendant seeking removal on the basis of diversity jurisdiction has the burden of proving the amount in controversy by a preponderance of the evidence. *Gafford v. Gen. Elec., Co.*, 997 F.2d 150, 158 (6th Cir. 1993), *abrogated on other grounds by Hertz Corp. v. Friend*, 559 U.S. 77 (2010).

The Court has reviewed Defendant's response to the Court's Order to Show Cause and concludes that Defendant has not satisfied its burden of proving that the amount in controversy in this case exceeds the \$75,000 jurisdictional requirement of this Court.

THEREFORE, IT IS HEREBY ORDERED that this matter is remanded to the Wayne County Circuit Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: March 18, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 18, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager